

**BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:)

TIMOTHY BAYLINK, M.D.)

File No. 02-2002-129549

Physician's and Surgeon's)
Certificate No. AFE71202)

Respondent.)
_____)

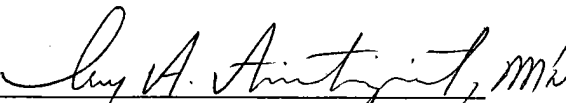
DECISION

The attached Stipulated Surrender of License is hereby adopted as the Decision and Order of the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on September 27, 2006.

IT IS SO ORDERED August 28, 2006.

MEDICAL BOARD OF CALIFORNIA

By: 
Cesar A. Aristeiguieta, M.D., Chair
Consolidated Panel
Division of Medical Quality

1 BILL LOCKYER, Attorney General
of the State of California
2 GAIL M. HEPPELL, State Bar Number 84134
Supervising Attorney General
3 California Department of Justice
1300 I Street, Suite 125
4 P.O. Box 944255
Sacramento, CA 94244-2550
5 Telephone: (916) 324-5336
Facsimile: (916) 327-2247

6 Attorneys for Complainant
7

8 **BEFORE THE**
9 **DIVISION OF MEDICAL QUALITY**
10 **MEDICAL BOARD OF CALIFORNIA**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 02-2002-129549

14 TIMOTHY BAYLINK, M.D.
15 1428 Serpentine Dr.
Redlands, CA 92373

**STIPULATED SURRENDER OF
LICENSE**

16 Physician and Surgeon's Certificate
No. AFE71202

Respondent.

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18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
19 above-entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Complainant David T. Thornton is the Executive Officer of the Medical Board
22 of California. He brought this action solely in his official capacity and is represented in this matter
23 by Bill Lockyer, Attorney General of the State of California, by Gail M. Heppell, Supervising Deputy
24 Attorney General.

25 2. Respondent is representing himself in this proceeding and has chosen not to
26 exercise his right to be represented by counsel.

27 3. On or about March 31, 2000, the Medical Board of California issued
28 Physician and Surgeon's Certificate No. A 71202 to Timothy Baylink, M.D. ("Respondent"). A

1 Retired Status was granted at respondent's request on July 12, 2005. The Certificate number is now
2 AFE 71202 which expired on November 30, 2005 and is delinquent.

3 JURISDICTION

4 4. Accusation Number 02-2002-129549, was filed before the Division of
5 Medical Quality, Medical Board of California ("Board"), and is currently pending against
6 Respondent. The Accusation, together with all other statutorily required documents, was duly served
7 on Respondent, and Respondent timely filed his Notice of Defense contesting the Accusation. A
8 copy of Accusation Number 02-2002-129549 is attached as Exhibit A and incorporated herein by
9 reference.

10 ADVISEMENT AND WAIVERS

11 5. Respondent has carefully read and fully understands the nature of the charges
12 and allegations in the Accusation, Number 02-2002-129549. Respondent also has read and carefully
13 considered the Stipulated Surrender of License and understands the effect it will have on his ability
14 to practice.

15 6. Respondent is fully aware of his legal rights in this matter, including the right
16 to a hearing on the charges and allegations in the Accusation, the right to be represented by counsel,
17 at his own expense, the right to confront and cross-examine the witnesses against him, the right to
18 present evidence and to testify on his own behalf and to the issuance of subpoenas to compel the
19 attendance of witnesses and the production of documents, the right to reconsideration and court
20 review of an adverse decision, and all other rights accorded by the California Administrative
21 Procedure Act and other applicable laws.

22 7. Respondent voluntarily, knowingly and intelligently waives and gives up each
23 and every right set forth above.

24 CULPABILITY

25 8. Respondent understands that the charges and allegations in the Accusation,
26 if proven at a hearing, constitute cause for imposing discipline upon his Physician and Surgeon's
27 Certificate No. AFE 71202.

28 9. Respondent admits the truth of the allegations in Accusation No. 02-2002-

1 129549 and that cause exists for discipline pursuant to Business and Professions Code sections 2234
2 and 2239. Respondent hereby surrenders his Physician and Surgeon's Certificate to the Board for
3 formal acceptance.

4 EFFECT OF SURRENDER

5 10. Respondent understands that by signing this stipulation he enables the Board
6 to issue its order accepting the surrender of his Physician and Surgeon's Certificate without further
7 process.

8 11. Upon acceptance of the stipulation by the Division of Medical Quality,
9 Respondent understands that he will no longer be permitted to practice as a physician and surgeon
10 in California, and also agrees to surrender and cause to be delivered to the Board both his license
11 and wallet certificate before the effective date of the decision.

12 12. Respondent fully understands and agrees that if he ever files an application
13 for relicensure or reinstatement in the State of California, the Board shall treat it as a petition for
14 reinstatement. Respondent must comply with all the laws, regulations and procedures for
15 reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and
16 allegations contained in the Accusation Number 02-2002-129549 will be deemed to be true, correct
17 and admitted by Respondent when the Board determines whether to grant or deny the petition.

18 RESERVATION

19 13. The admissions made by Respondent herein are only for the purposes of this
20 proceeding, or any other proceedings in which the Board or other professional licensing agency is
21 involved, and shall not be admissible in any other criminal or civil proceeding.

22 CONTINGENCY

23 14. This stipulation shall be subject to the approval of the Division of Medical
24 Quality. Respondent understands and agrees that Board and counsel for complainant may
25 communicate directly with the Division of Medical Quality regarding this stipulation and settlement,
26 without notice to or participation by Respondent. If the Division of Medical Quality fails to adopt
27 this stipulation as its Order, the Stipulation for Surrender of License Order shall be of no force or
28 effect, it shall be inadmissible in any legal action between the parties, and the Division of Medical

1 Quality shall not be disqualified from further action in this matter by virtue of its consideration of
2 this stipulation.

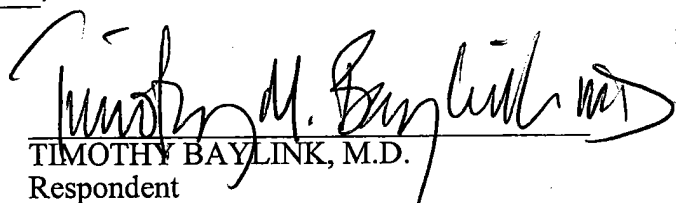
3 15. The parties agree that facsimile copies to this Stipulated Surrender of License,
4 including facsimile signatures thereto, shall have the same force and effect as original Stipulated
5 Settlement signatures.

6 ACCEPTANCE

7 I, Timothy Baylink, M.D. have carefully read the above Stipulated Surrender of
8 License and enter into this agreement freely and voluntarily, and with full knowledge of its force and
9 effect, do hereby surrender my Physician and Surgeon's Certificate No. AFE 71202 to the Division
10 of Medical Quality for its formal acceptance. By signing this Stipulated Surrender of License I
11 recognize that upon its formal acceptance by the Division of Medical Quality I will lose all rights
12 and privileges to practice as a physician and surgeon in the State of California and I will also cause
13 to be delivered to the Board both my license and wallet certificate before the effective date of the
14 decision.

15 I further agree that a facsimile copy of this Stipulated Surrender of License, including
16 facsimile copies of signatures, may be used with the same force and effect as the originals.

17 DATED: 7/28/2006

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20 TIMOTHY BAYLINK, M.D.
Respondent

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ENDORSEMENT

The foregoing Stipulated Surrender of License is hereby respectfully submitted for consideration.

DATED: 8/7/08

BILL LOCKYER, Attorney General
of the State of California

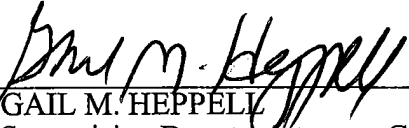

GAIL M. HEPPELI
Supervising Deputy Attorney General
Attorneys for Complainant

EXHIBIT A

1 BILL LOCKYER, Attorney General
of the State of California
2 GAIL M. HEPPELL, State Bar Number 84134
Supervising Attorney General
3 California Department of Justice
1300 I Street, Suite 125
4 P.O. Box 944255
Sacramento, CA 94244-2550
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8 **BEFORE THE**
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12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

14 TIMOTHY BAYLINK, M.D.
15 1428 Serpentine Dr.
Redlands, CA 92373

16 Physician and Surgeon's Certificate
No. AFE71202

17 Respondent.

Case No. 02-2002-129549

ACCUSATION

18 Complainant alleges:

19 **PARTIES**

20 1. David T. Thornton (Complainant) brings this Accusation solely in his official
21 capacity as the Executive Director of the Medical Board of California.

22 2. On or about March 31, 2000, the Medical Board of California issued
23 Physician and Surgeon's Certificate Number A 71202 to Timothy Baylink, M.D. (Respondent). A
24 Retired Status was granted at respondent's request on July 12, 2005. The Certificate Number now
25 is AFE 71202 with an expiration date of November 13, 2005. The Physician and Surgeon's
26 Certificate was in full force and effect at all times relevant to the charges brought herein.

27 **JURISDICTION**

28 3. This Accusation is brought before the Division of Medical Quality

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO December 21, 20 05
BY Valerie Moore ANALYST

1 ("Division") for the Medical Board of California, Department of Consumer Affairs, under the
2 authority of the following laws. All section references are to the Business and Professions Code
3 unless otherwise indicated.

4 4. Section 2227 of the Code provides that a licensee who is found guilty under
5 the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed
6 one year, placed on probation and required to pay the costs of probation monitoring, or such other
7 action taken in relation to discipline as the Division deems proper.

8 5. Section 125.3 of the Code provides, in pertinent part, that the Division may
9 request the administrative law judge to direct a licensee found to have committed a violation or
10 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
11 and enforcement of the case.

12 6. Section 14124.12 of the Welfare and Institutions Code states, in pertinent part:

13 "(a) Upon receipt of written notice from the Medical Board of California, the
14 Osteopathic Medical Board of California, or the Board of Dental Examiners of California,
15 that a licensee's license has been placed on probation as a result of a disciplinary action, the
16 department may not reimburse any Medi-Cal claim for the type of surgical service or
17 invasive procedure that gave rise to the probation, including any dental surgery or invasive
18 procedure, that was performed by the licensee on or after the effective date of probation and
19 until the termination of all probationary terms and conditions or until the probationary period
20 has ended, whichever occurs first. This section shall apply except in any case in which the
21 relevant licensing board determines that compelling circumstances warrant the continued
22 reimbursement during the probationary period of any Medi-Cal claim, including any claim
23 for dental services, as so described. In such a case, the department shall continue to
24 reimburse the licensee for all procedures, except for those invasive or surgical procedures
25 for which the licensee was placed on probation."

26 7. Section 2234 of the Code provides in part that unprofessional conduct
27 constitutes grounds for discipline.

28 8. Section 2239 of the Code provides in part that the use or prescribing for or

1 administering to himself of any controlled substance; or the use of any of the dangerous drugs
2 specified in Section 4022, or of alcoholic beverages, to the extent, or in such a manner as to be
3 dangerous or injurious to the licensee, or to any other person or to the public, or to the extent that
4 such use impairs the ability of the licensee to practice medicine safely, or more than one
5 misdemeanor or one felony which involves the use, consumption or self-administration of alcohol
6 constitutes unprofessional conduct.

7 9. Respondent is guilty of unprofessional conduct within the meaning of Code
8 sections 2234 and 2239(a) as set forth herein below.

9 **FIRST CAUSE FOR DISCIPLINE**

10 (Alcohol related Convictions)
[Bus. & Prof. Code § 2239(a)]

11 10. Respondent is subject to disciplinary action under section 2239(a) of the Code
12 in that he has suffered two misdemeanor convictions involving alcohol in 2004 and 2005. The
13 circumstances are as follows:

14 A. Criminal Complaint No. CRTR-04-1201 was filed in Superior Court,
15 County of Sutter, on May 11, 2004, charging respondent with one count of Driving Under the
16 Influence of Alcohol in violation of Section 23152(a) of the Vehicle Code, and one count of driving
17 at .08 or above in violation of Section 23152(b) of the Vehicle Code. On August 4, 2004, the
18 Complaint was amended and respondent pled guilty to Count 3, violating Penal Code Section
19 647(f), drunk in public, a misdemeanor. He was sentenced to 24 months probation, ordered to pay
20 a fine, submit to chemical tests to detect use of alcohol and ordered to not enter any establishment
21 where alcohol is the principal item of sale. The facts and circumstances surrounding this conviction
22 are as follows:

23 B. On April 24, 2004, Yuba-Sutter CHP Officers responded to the scene
24 of a possible traffic collision. Respondent's vehicle was parked facing the wrong way on the east
25 shoulder of Meridian Road. Respondent was seated in the driver position. Approximately 2 hours
26 before their arrival, respondent had been observed by an off-duty fireman in the vehicle seated
27 behind the steering wheel, slumped forward, apparently passed out. The ignition key was in the on
28 position. There was a fresh dent in the left front fender, but no evidence of a collision with anything

1 nearby. The hood of the vehicle was still warm. There was an empty 375 ml bottle of Smirnoff
2 Vodka on the floorboard by respondent's right foot and a full one on the front seat. When the CHP
3 Officers spoke with respondent, he was unable to walk or stand without assistance; he had a glazed
4 over stuporous look on his face; he reeked of alcohol; had badly slurred speech and passed out
5 several times over the course of their contact with him. Respondent was transported to Rideout
6 Hospital where a blood sample was obtained and then booked at Sutter County Jail.

7 C. Criminal Complaint No. RIM461963 was filed in Superior Court,
8 County of Riverside on November 20, 2004, charging respondent with one Count of Driving Under
9 the Influence in violation of Section 23152 of the Vehicle Code, a misdemeanor; one Count of
10 Driving Under the Influence with a blood alcohol level greater than .08 in violation of Section
11 23152(b) of the Vehicle Code, a misdemeanor; one Count of failure to stop at the scene of an
12 accident in violation section 2002 of the Vehicle Code, a misdemeanor; and unlawful use and under
13 the influence of a controlled substance in violation of section 11550 of the Health and Safety Code,
14 a misdemeanor. On August 11, 2005, respondent pled guilty to Counts 1 and 3. He was sentenced
15 to 48 months summary probation, committed to custody to be served on weekends, ordered to pay
16 a fine, attend a DUI program, submit to chemical test, and other terms and conditions. The facts and
17 circumstances surrounding this conviction are as follows:

18 D. On October 22, 2004, Riverside Police Officers responded to a report
19 of a "hit and run" and of a vehicle driving in an erratic manner. Respondent was driving his vehicle
20 swerving all over the road. He hit a tree and left the scene. While backing up, he struck a city sign.
21 He was observed by witnesses leaving the scene in his car. When respondent was located, he was
22 driving very slowly in the middle of the road and over the lines of the south bound lanes. The officer
23 activated his emergency lights, but respondent did not stop initially. When he finally did stop, the
24 officer observed a pint of Smirnoff vodka on the floorboard. It was open and half-full. Respondent
25 smelled strongly of alcohol. He was sweating profusely and his balance and gait were unsteady.
26 He was arrested and a blood sample was obtained. Alcohol at .32% and amphetamines were
27 detected in his blood.

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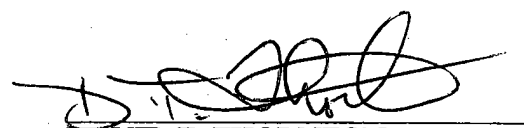
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- 1 1. Revoking or suspending Physician and Surgeon's Certificate Number
2 AFE 71202, issued to Timothy Baylink, M.D.;
- 3 2. Revoking, suspending or denying approval of Timothy Baylink's authority
4 to supervise physician's assistants, pursuant to section 3527 of the Code;
- 5 3. Ordering Timothy Baylink, M.D. to pay the Division of Medical Quality the
6 reasonable costs of the investigation and enforcement of this case, and, if placed on probation, the
7 costs of probation monitoring;
- 8 4. Taking such other and further action as deemed necessary and proper.

9 DATED: December 21, 2005

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12 DAVID T. THORNTON
13 Executive Director
14 Medical Board of California
15 State of California
16 Complainant
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